

AMENDED IN SENATE APRIL 1, 2014

SENATE BILL

No. 1278

Introduced by Senator Leno
(Coauthors: Senators Anderson, Knight, and Wyland)

February 21, 2014

An act to amend Section 830.9 of the Penal Code, relating to animal control officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1278, as amended, Leno. Animal control officers.

Existing law establishes the Commission on Peace Officer Standards and Training within the Department of Justice. Existing law requires the commission to carry out various duties related to the education and training of peace officers, as defined.

Existing law provides that animal control officers are not peace officers but may exercise the powers of arrest of a peace officer and the power to serve warrants, as specified, during the course and within the scope of their employment, if those officers successfully complete a course in the exercise of those powers.

This bill would require every person appointed as an animal control officer prior to July 1, 2015, to complete a course in the exercise of the powers of arrest and to serve warrants no later than July 1, 2016. This bill would require every person appointed as an animal control officer, and every person appointed as a director, manager, supervisor, or any person in charge of an animal control agency, on or after July 1, 2015, to complete a course in the exercise of the powers of arrest and to serve warrants within one year of his or her appointment, as specified. This bill would require every animal control officer, prior to the exercise of

the powers of arrest and to serve warrants, to have satisfactorily completed the required course of training.

This bill would also require every animal control officer *appointed prior to July 1, 2015*, to satisfactorily complete at least 40 hours of continuing education and training relating to the powers and duties of an animal control officer, *no later than July 1, 2018, and every 3 years thereafter*, as specified. *The bill would require every animal control officer appointed on or after July 1, 2015, to comply with those requirements within 3 years of the date of his or her appointment, and every 3 years thereafter.*

The bill would specify that the above training and continuing training requirements do not apply to an animal control officer who is a peace officer.

By imposing new training requirements on local employees, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 830.9 of the Penal Code is amended to
2 read:
3 830.9. (a) Animal control officers are not peace officers but
4 may exercise the powers of arrest of a peace officer as specified
5 in Section 836 and the power to serve warrants as specified in
6 Sections 1523 and 1530 during the course and within the scope of
7 their employment, if those officers successfully complete a course
8 in the exercise of those powers pursuant to Section 832.
9 (b) (1) Every person appointed as an animal control officer
10 prior to July 1, 2015, shall complete a course in the exercise of the
11 powers of arrest and to serve warrants pursuant to Section 832 no
12 later than July 1, 2016. That part of the training course specified
13 in Section 832 pertaining to the carrying and use of firearms shall

1 not be required for any animal control officer whose employing
2 agency prohibits the use of firearms.

3 (2) *An animal control officer who completed a course in the*
4 *exercise of the powers of arrest and to serve warrants pursuant*
5 *to Section 832 prior to January 1, 2015, shall be deemed to have*
6 *satisfied the training requirements described in paragraph (1).*

7 (c) Every person appointed as an animal control officer on or
8 after July 1, 2015, shall complete a course in the exercise of the
9 powers of arrest and to serve warrants pursuant to Section 832
10 within one year of his or her appointment. That part of the training
11 course specified in Section 832 pertaining to the carrying and use
12 of firearms shall not be required for any animal control ~~officers~~
13 *officer* whose employing agency prohibits the use of firearms.

14 (d) Every animal control officer described in this section, prior
15 to the exercise of the powers of arrest and to serve warrants, shall
16 have satisfactorily completed the course of training described in
17 Section 832.

18 (e) Every person appointed as a director, manager, supervisor,
19 or any person in control of an animal control agency on or after
20 July 1, 2015, shall complete a course in the exercise of the powers
21 of arrest and to serve warrants pursuant to Section 832 within one
22 year of his or her appointment.

23 (f) (1) ~~During each three-year period following the date of~~
24 ~~appointment as an animal control officer~~ *described in paragraph*
25 *(2), every animal control officer shall satisfactorily complete at*
26 *least 40 hours of continuing education and training relating to the*
27 *powers and duties of an animal control officer, which education*
28 *and training shall be sponsored or provided by an accredited*
29 *postsecondary institution, the Commission on Peace Officer*
30 *Standards and Training, a law enforcement agency, the National*
31 *Animal Care and Control Association, the California Animal*
32 *Control Directors Association, California Veterinary Medical*
33 *Association, or the State Humane Association of California.*

34 (2) *Every animal control officer appointed prior to July 1, 2015,*
35 *shall complete the requirements of paragraph (1) no later than*
36 *July 1, 2018, and every three years thereafter. Every animal control*
37 *officer appointed on or after July 1, 2015, shall comply with the*
38 *requirements of paragraph (1) within three years of the date of*
39 *his or her appointment, and every three years thereafter.*

40 (2)

(3) The minimum hours and required topics of continuing education and training ~~shall~~ *may* be determined by the California Animal Control Directors Association. *Continuing education and training shall include at least four hours of course work in the exercise of the powers of arrest and to serve warrants taught by a Commission on Peace Officer Standards and Training certified instructor.*

~~(3)~~

(4) Records of training shall be maintained by the animal control officer's employing agency.

~~(4)~~

(5) The failure to satisfactorily complete the continuing education and training requirements under this subdivision within 90 days after the expiration of each three-year period shall result in the immediate suspension of the authority granted under subdivision (a).

(g) Nothing in this section shall be construed to supersede any existing training requirements, including, but not limited to, the training requirements set forth in subdivision (g) of Section 22295.

(h) This section does not apply to an animal control officer who is a peace officer pursuant to Section 830.1.

~~(h)~~

(i) For the purposes of this section, "firearms" includes capture guns, blowguns, carbon dioxide operated rifles and pistols, air guns, handguns, rifles, and shotguns.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.